

REMARKS

Claims 6-10, 16, 21-24, and 29-47 have been canceled.

Claims 1-5, 11-15, 17-20, 25-28 are pending.

Applicant has amended its seed deposit compliance statement under the Budapest Treaty on page 21 to conform to Examiner objections in other similar cases.

In response to the objections set forth on page 2 of the May 23, 2003 Office Action, Applicant has amended claims 1-2, and 20 incorporating ATCC accession number PTA-4002 therein. Claim 46 is canceled.

Claims 5, 18, 19, 26-28 are amended to include the proper articles.

Claims 19 has been amended to state "protoplasts and callus produced therefrom."

Claims 6-10 and 47 are canceled.

Applicant respectfully disagrees with the Examiner's assertion that claims 36 and 26 do not further limit their respective parent claims, because of the word "or" of the parent claims. The parent claims 25 and 35 each are directed to an inbred maize plant, either the inbred maize plant of claim 2 or that of claim 5. Therefore, dependent claims 26 and 36 limit one inbred line as recited in the claim. Clearly, dividing each parent claim into two separate claims (one claim directed to the inbred maize plant of claim 2, whereas the second claim is directed to the inbred maize plant of claim 5) would place the respective dependent claims in allowable condition. The Applicant respectfully submits that the Examiner's rejection requires that the Applicant write claims that differ only in form, not substance. In view of these remarks, Applicant requests that the Examiner withdraw this rejection.

The Internet links on pages 14 and 17 of the application have been deleted.

On pages 3-6 of the Office Action, the Examiner makes numerous 35 U.S.C. 112, second paragraph rejections.

Claims 6-10, 16, 21-24, and 29-47 are cancelled.

Claims 1, 2 and 20 are amended to include the ATCC deposit number.

Claims 18 and 20 have been amended as suggested by the Examiner.

The enablement rejections set forth on pages 6-7 of the May 23, 2003 Office Action are directed to claims 1-47. In response, Applicant has amended the claims to include the ATCC

accession number. Applicant has also amended the Deposit Information paragraph on page 21 of the specification to comply with seed deposit requirements set forth in the Budapest Treaty.

Claims 6-10, 21-24 26-34, and 39-47 are canceled. Thereby overcoming the enablement and descriptiveness rejections set forth on pages 8-12 of the May 23, 2003 Office Action.

Claim 42 stands rejected under 35 USC 102(b) as being anticipated by Kramer. Claim 42 is canceled.

Claims 21-24, 29-34, 39-40, and 42-45 stand rejected under 35 USC 102(b) as obvious over Puskaric. Claims 21-24, 29-34, 39-40, and 42-45 are canceled.

In view of the above amendments and remarks, it is submitted that the application is ready for allowance. If any additional information is needed, the Examiner is invited to call the undersigned attorney at (919) 541-8614.

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Respectfully submitted,



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